

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ED BUTOWSKY,

Plaintiff,

V.

CIVIL ACTION NO.

DAVID FOLKENFLIK, et al.,

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4:18-CV-00442-ALM

Defendants.

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DECLARATION OF LAURA LEE PRATHER

I, Laura Lee Prather, hereby declare pursuant to 28 U.S.C. § 1746:

1. My name is Laura Lee Prather. I am over the age of twenty-one (21) years and am fully competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am a partner at the law firm of Haynes and Boone, LLP and lead counsel for Defendants in the above-captioned lawsuit. I am fully competent to make this declaration, and all the facts set forth herein are based on my personal knowledge and are true and correct.

3. I have overseen Defendants' discovery efforts in this case. As part of those efforts, Defendants served a subpoena on Aaron Rich, the plaintiff in a related lawsuit against the Plaintiff here, Ed Butowsky. *See Rich v. Butowsky* Case No. 1:18-cv-00681-RJL (D.D.C) (the "Aaron Rich Case"). The facts of the *Aaron Rich* Case overlap substantially to those in this lawsuit; specifically, both cases center around the death of Aaron Rich's brother, Seth, and Mr. Butowsky's involvement

in conspiracy theories following Seth's death. The subpoena to Aaron Rich requested, among other things, documents that Ed Butowsky and Rod Wheeler produced in the *Aaron Rich Case*.

4. On November 25, 2019, in response to Defendants' subpoena, counsel for Aaron Rich produced documents that Rod Wheeler previously produced in the *Aaron Rich Case*. Several of those documents were *not* produced by Wheeler in response to a subpoena issued directly to him in this litigation. Counsel for Aaron Rich also produced documents obtained from Butowsky in the *Aaron Rich Case*, but they did not do so until March 10, 2019, after Butowsky rescinded his prior objection to Aaron Rich's production of documents. Butowsky has not produced many of these documents in this litigation, despite Defendants' efforts to obtain them. As a result, Defendants did not have access to many of Plaintiff's documents prior to March 10, 2019.

5. The documents attached to this Declaration as Exhibits A-1, A-4, A-5, A-6, A-7, A-8, A-10, A-11, A-12, A-13, and A-17 were produced by Butowsky in the *Aaron Rich Case* and subsequently produced to Defendants by counsel for Aaron Rich.

6. The documents attached to this Declaration as Exhibits A-3, A-9, and A-16 were produced by Wheeler in the *Aaron Rich Case* and subsequently produced to Defendants by counsel for Aaron Rich.

7. The document attached to this Declaration as Exhibit A-14 is a copy of the contract between Wheeler and the Rich family, filed by Butowsky in *Rich, et al. v. Fox News Network LLC*, Case 1:18-cv-02223-GBD (S.D.N.Y.) (Dkt. 54-1).

8. The document attached as Exhibit A-15 is a copy of email correspondence from Zimmerman to Wheeler showing the contract originally signed by Rod Wheeler and the Rich family on March 14, 2020 with an apparently altered signature date of March 1, 2017 and a blank

space for Wheeler's signature. This document and Exhibit A-2 were produced to Defendants by Rod Wheeler in this litigation.

9. In his Response to Defendants' Rule 11 Motion at page 9, Plaintiff mischaracterizes the record. I replied to Steven Biss' email on February 17, 2020, a mere three hours after receipt. Furthermore, I attempted to engage Plaintiff's counsel in a conference call on February 13, 2020 and placed a call to Plaintiff's counsel on February 14, but I received no answer.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 25th day of March, 2020 in Austin, Texas.

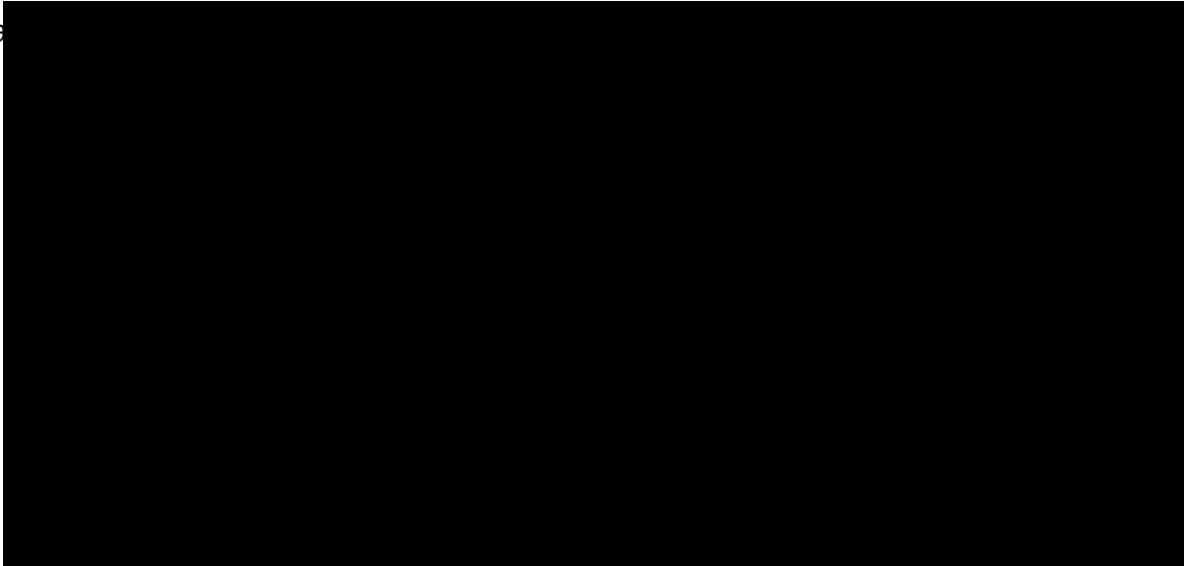


LAURA LEE PRATHER

EXHIBIT A-1

Ca

eID #:



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EXHIBIT A-2

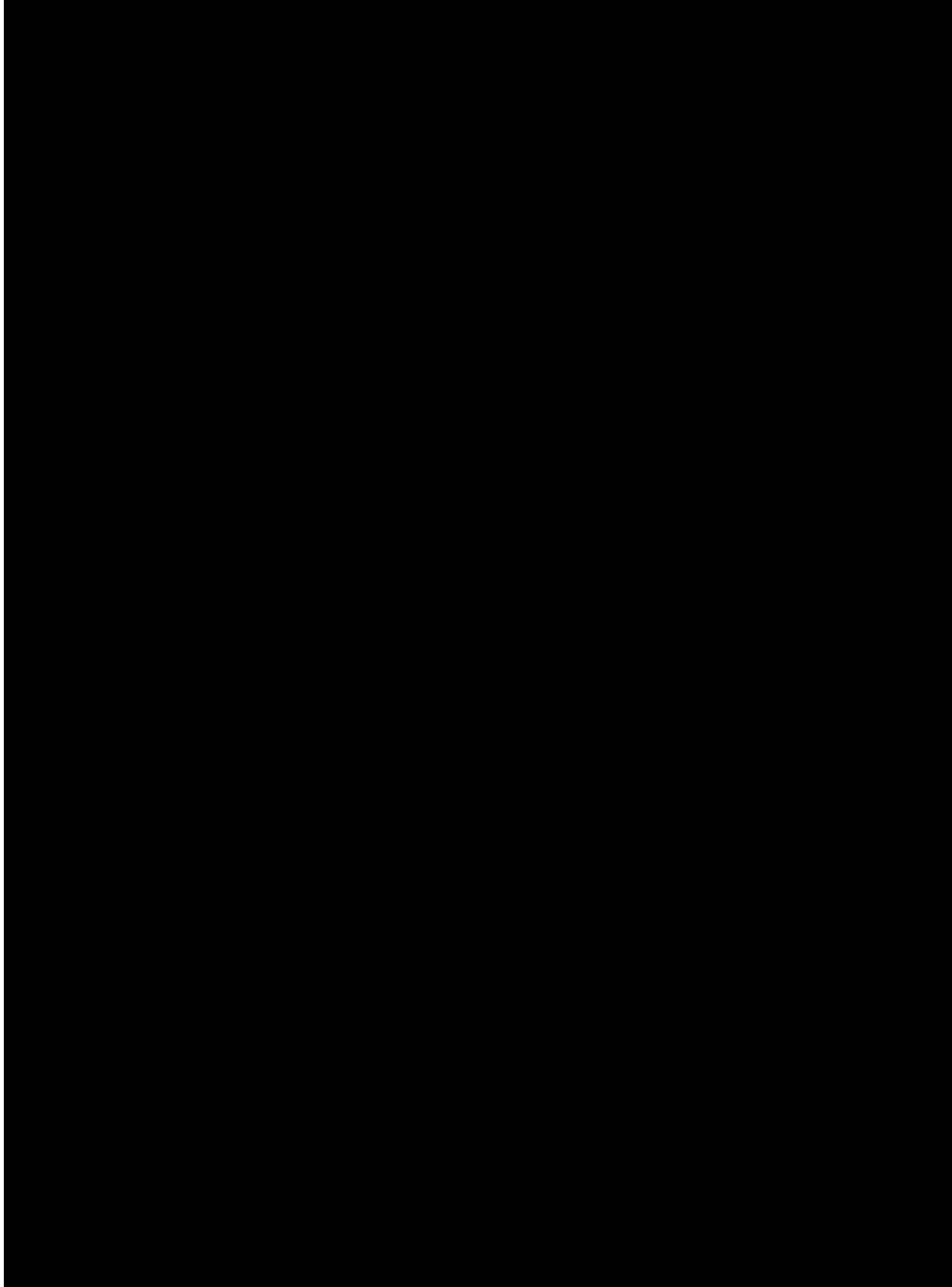




EXHIBIT A-3

To: ED Butowsky, Cash

Details

Message with +1 (972) 692-0197
4/27/17, 12:12 PM

ED Butowsky

Gentlemen please meet. Rod this is my friend who is looking into something we've been working on. I suggest you pick a location and a date and meet in person soon as possible. Rod, feel free to share everything and anything with him.

4/27/17, 6:08 PM

Cash

Thanks ed. Rod let me know

4/28/17, 7:55 AM

Cash

Ok, ill let you know. This afternoon may be tough

4/28/17, 9:07 AM

ED Butowsky

Gentlemen, please try to meet early this week even if it's just for 20 minutes. Rod you have a lot of info to get to Dee O.

Dee O, this information is really eye-opening

Cash

Whats your schedule rod?

5/1/17, 8:02 AM

Cash

Let me know your schedule when you are back in dc area and we will link up

5/9/17, 8:32 AM

ED Butowsky

Please connect today

5/4/17, 7:08 AM

Cash

Im in hearings all day today. How about tomorrow at 930am near the capitol?

5/9/17, 8:32 AM

Cash

Any chance we can meet on the steps of the library of congress and duck inside there to chat. I have an 11 back inside the dome I need to make

5/4/17, 7:08 AM

Cash

Awesome. Thanks

5/4/17, 7:08 AM

D-O are you available to connect at 1:00pm today? Somewhere in the D.C. area?

That works for me! Corner bakery downstairs at the Fox Building, 400 N. Capitol. Good?

Sure. No worries. See you then @9:30am tomorrow. Have a great day!

Screenshot



Message with 15103306283
5/11/17, 2:48 PM

Can you call me real quick? Updated info: 202-359-3007

Can we chat tomorrow, today is crazy

5/11/17, 8:38 PM

Hey absolutely! Just give me a call anytime tomorrow when your free. Have a good evening

6pm works

Location?

Somewhere in shaw/chinatown

Trying to think of place we can speak

5/15/17, 9:06 AM

Waiting to hear back from the detective to confirm

How bout la colombe coffee shop in blagden alley, behind 9th and N

Screenshot



EXHIBIT A-4

geID #:

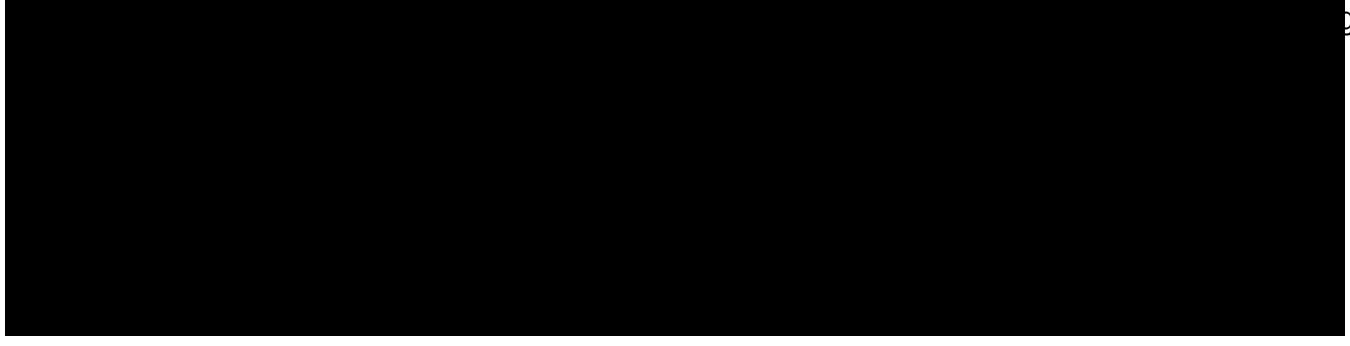


EXHIBIT A-5

EXHIBIT A-6

EXHIBIT A-7

EXHIBIT A-8

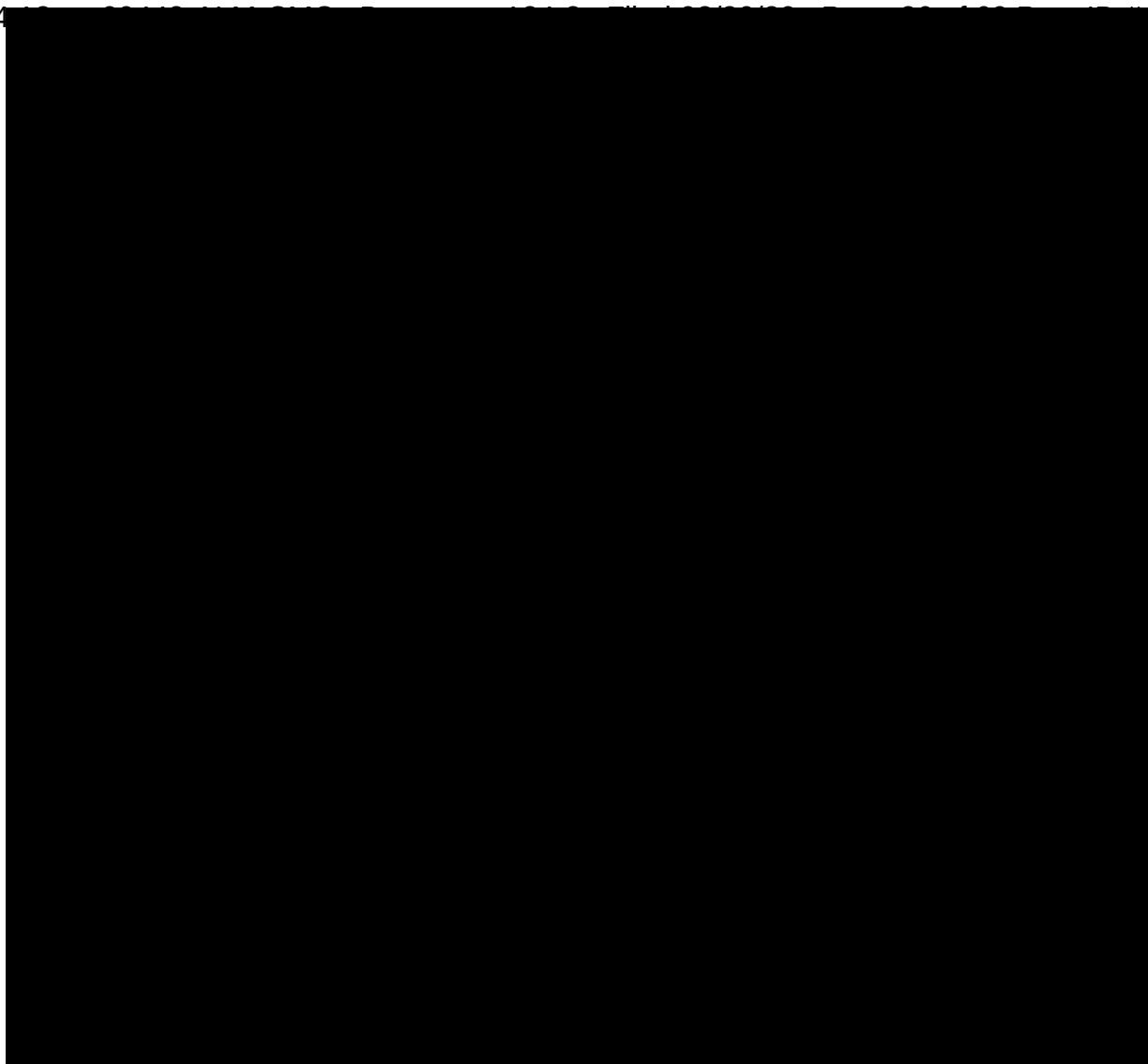


EXHIBIT A-9

From: Rod wheeler <rod@rodwheeler.com>
To: ed butowsky <ebutowsky@gmail.com>, Larry Friedman <LFriedman@fflawoffice.com>
Cc: Rod wheeler <rod@rodwheeler.com>
Subject: Response posted on Facebook
Date: May 20, 2017 at 9:49:01 PM EDT

Ed, I just noticed "my response" posted on your Facebook page. Who was this response made to? I am unaware. When you, Malia and I talked on Friday I said I did not want to send a response to anyone until Larry (attorney) advised us further. Help me to understand when you can. Again, I never approved of this "response."

Thanks.
Rod



Ed Butowsky
5 hrs

Rod Wheeler's response - Friday, May 19, 1 pm Pacific

In the contract I have with the family, signed by Joel, Mary and Aaron Rich, I am not allowed to speak to the media on the family's behalf, but I could speak to the media about this investigation of Seth Rich's murder or other stories I was involved in. They knew I was a Fox News contributor and regularly went on television.

I called Joel Rich the night before the Fox News story was going to be published, which was Monday night. During that 18-minute call (phone logs provided), I reviewed the story with Joel Rich, he liked it and was encouraged by the new leads. Joel already knew about the story because Fox had contacted him earlier in the day. He also suggested I contact an investigative reporter, Michelle Sigona, from CrimeWatch Daily with the information. I also spoke with Aaron Rich, Joel's son, for 21 minutes the night before the story came out and told him about the new information that had emerged and the story that would likely be coming out in the near future.

I told them both I would be commenting on the case and asking people to come forward if they had insight on the new information. I never violated the terms of our contract as I never spoke on behalf of the family.

EXHIBIT A-10

EXHIBIT A-11

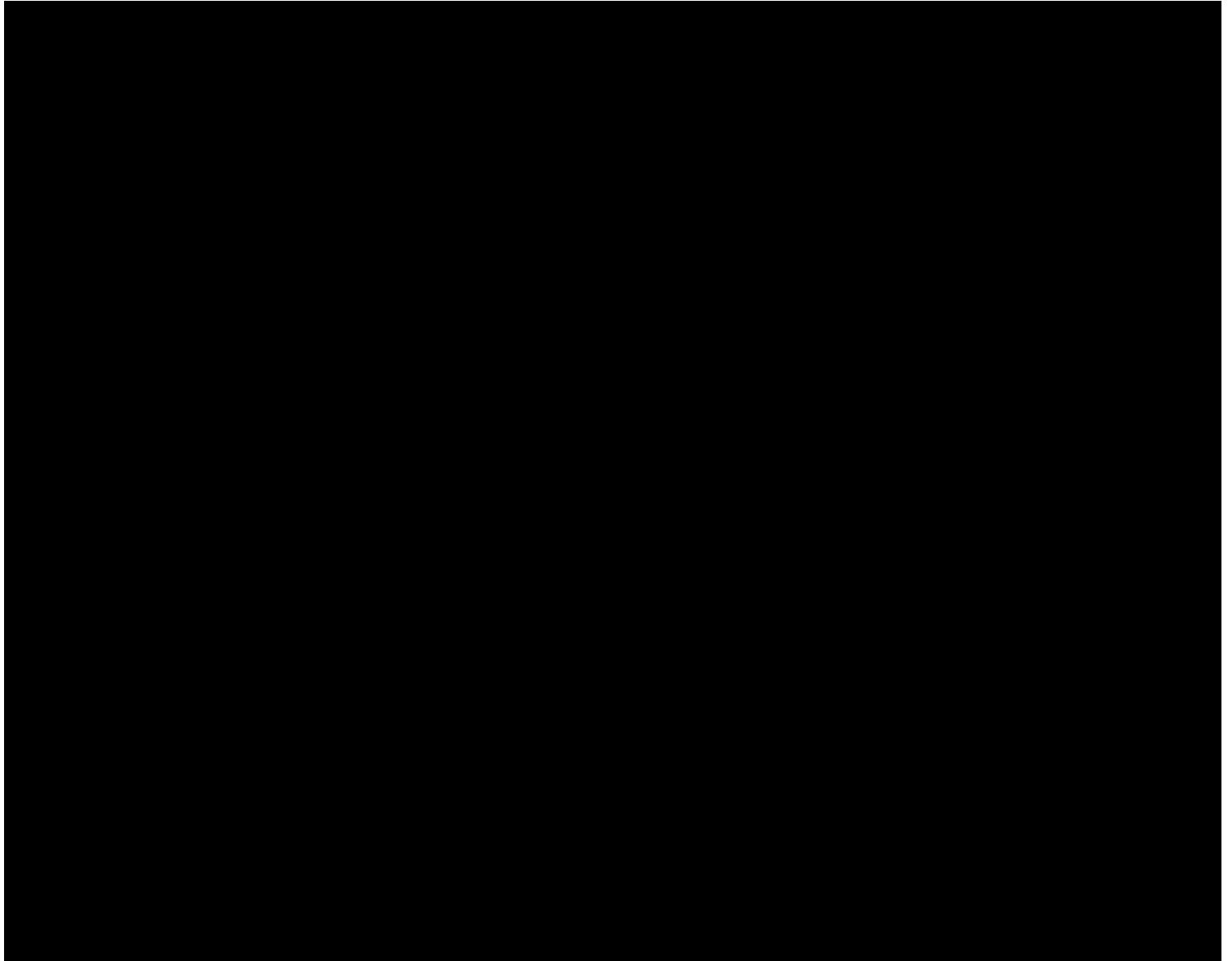


EXHIBIT A-12

EXHIBIT A-13

0 440 00440 ALM QMO P 1040 1040 FIL 100/00/00 P 40 500 P 1040

C

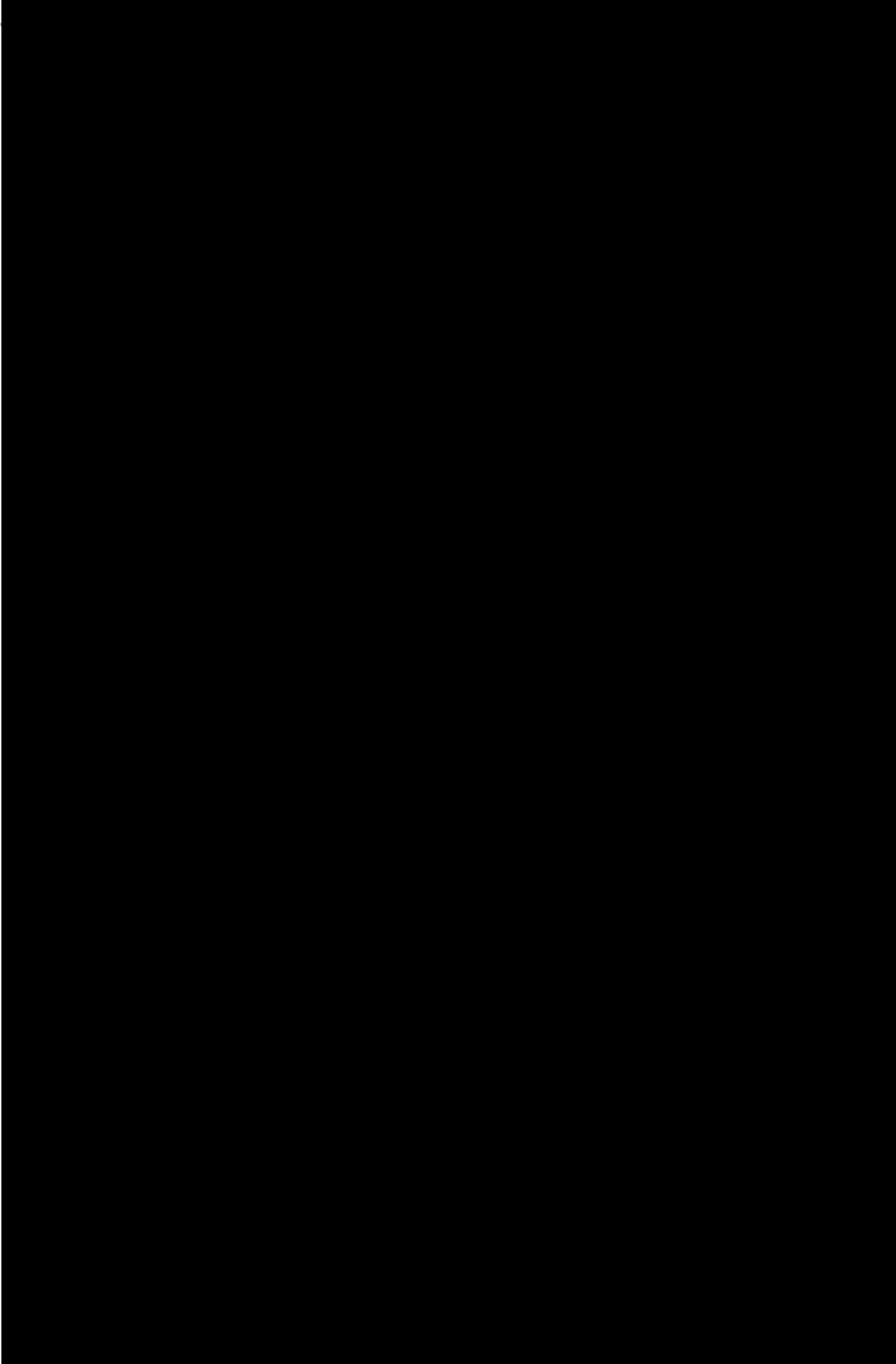


EXHIBIT A-14

EXHIBIT 1

Capitol Investigations/Rod Wheeler Representative Agreement

6710 Oxon Hill Rd. Suite 210
National Harbor, MD 20745
Ph. 202.805.8001
www.4capitol.com

Client: Joel Rich, Mary Rich, Aaron Rich

Case: Murder of Seth Rich

MPD CCN#16-113-797

Joel Rich, Mary Rich, and Aaron Rich hereinafter referred to as "Client" do hereby agree to retain the services of Capitol Investigations/Rod Wheeler Private Investigation Consultants, which maintains its offices at 6710 Oxon Hill Rd., Suite 210, National Harbor, MD. 20745, for consultation and information gathering on behalf of the immediate family of Seth Rich on the following matter:

- Interview and investigate with regards to the official police investigation surrounding the death of Seth Rich. The representation shall not include media representation, unless otherwise permitted by the Client in writing.
- Granted rights and privileges as that of immediate family members of Seth Rich, with discussions with investigating agencies, i.e. Metropolitan Police Department and the FBI.

Capitol Investigations agrees to use its best efforts to investigate the matters set forth and perform the services for which it is being retained. Capitol Investigations makes no express warranties, assurances or guarantees with regards to the work that they will complete. Furthermore, the compensation payable to Capitol Investigations by the third party pursuant to this agreement are not in any way contingent upon or related to the results of the services performed or the information and details which are developed during the course of the investigation.

Capitol Investigations will not retain any additional clients in relation to the murder of Seth Rich. Capital Investigations will not perform additional services (outside the scope of this agreement) that are related to the murder of Seth Rich.

This agreement shall be terminated immediately upon either party giving written notice to the other party.

Client further agrees to defend, indemnify and hold Capitol Investigations and/or its agents and employees harmless from any and all action, courses of action, claims, damages and demands of whatever type arising directly or indirectly from the services Capitol Investigations are being retained to perform pursuant to this agreement. The Client may, however, take actions against Capitol Investigations and/or its agents or employees for representations made to the media in violation of this agreement.

Capitol Investigations, LLC
6710 Oxon Hill Road, Suite 210
National Harbor, MD 20745
(202) 805.8001

RP
JLR
AR

This agreement shall be binding upon Client's heirs, devisees, legatees, administrators, executors, successors, and assignees.

This agreement shall be construed and interpreted in accordance with the laws of the State of Maryland. If any portion of this agreement is determined to be invalid or unenforceable, the remainder of the agreement shall continue in full force and effect.

All information developed and submitted by Capitol Investigations LLC and provided to Client or Client's authorized representative shall be treated as strictly confidential and not released or disclosed to any third party without the prior written authorization of Capitol Investigations. Capitol Investigations shall not release any information regarding the investigation, including but not limited to findings, working theories or path forward to any third party without prior authorization by Client; unless that third party is an investigating agency, i.e. Metropolitan Police Department and the FBI.

Any and all compensation or fees associated with the investigation and this agreement shall be paid by Mr. Ed Butowsky, the "third party," in accordance with agreements made between Capitol Investigations and Mr. Ed Butowsky. Should any action involved in the investigation create a fee outside of this agreement, or should Mr. Ed Butowsky fail to pay fees, the Client is held harmless and will not be responsible for paying any fees, including outstanding balances.

This agreement constitutes the entire agreement between the parties with respect to the services to be provided by Capitol Investigations pursuant to this agreement. There are no other agreements, express, implied, written, oral or otherwise, except as expressly set forth herein. This agreement may only be modified in writing signed by both parties.

Dated:

3-14-17

CLIENT(S):

Joel Roth
Maya Lach
Ed Butowsky

Dated:

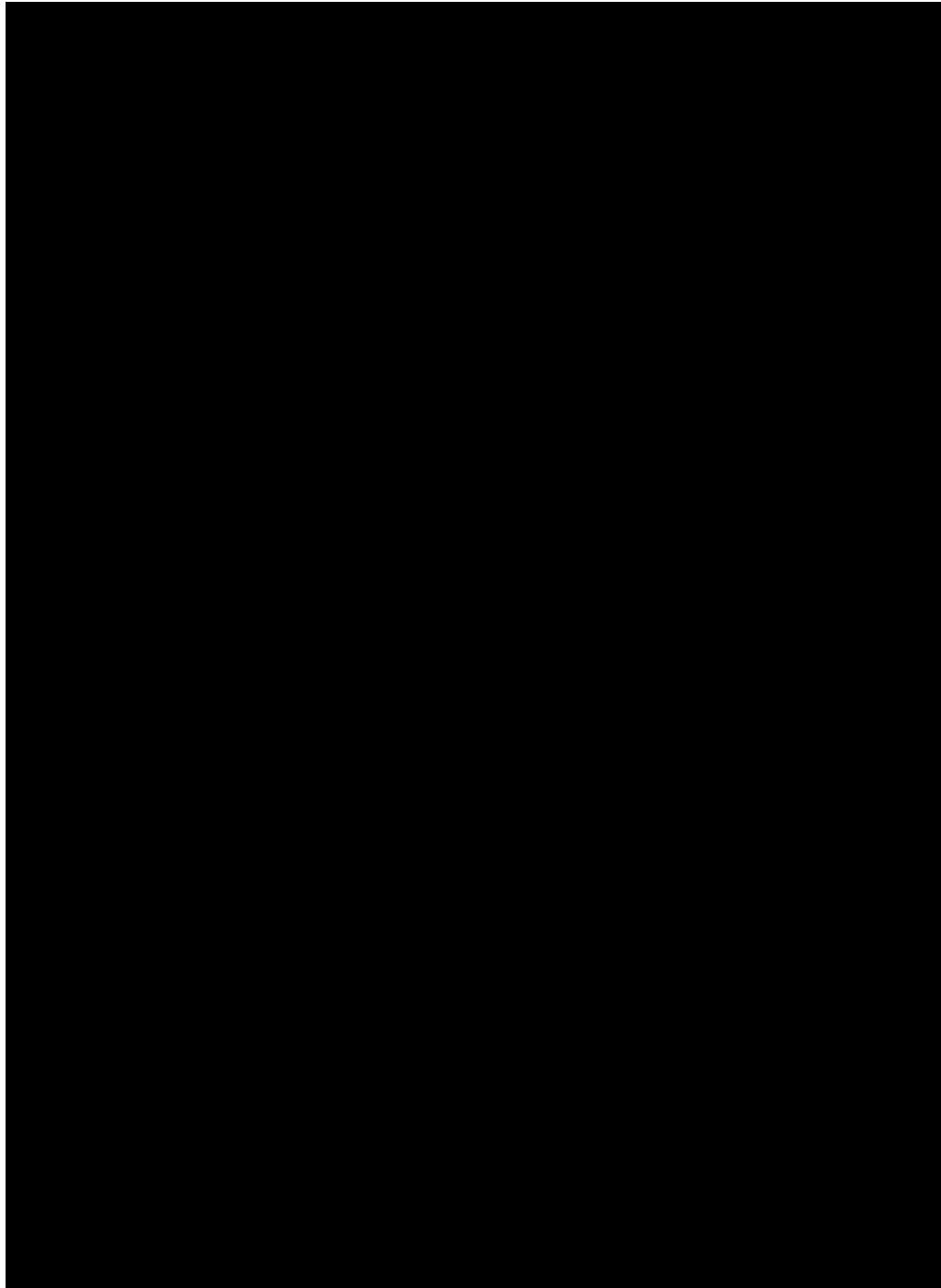
3/14/2017

Capitol Investigations, LLC: By:

Rod Wheeler

Capitol Investigations, LLC
6710 Oxon Hill Road, Suite 210
National Harbor, MD 20745
(202) 805.8001

EXHIBIT A-15



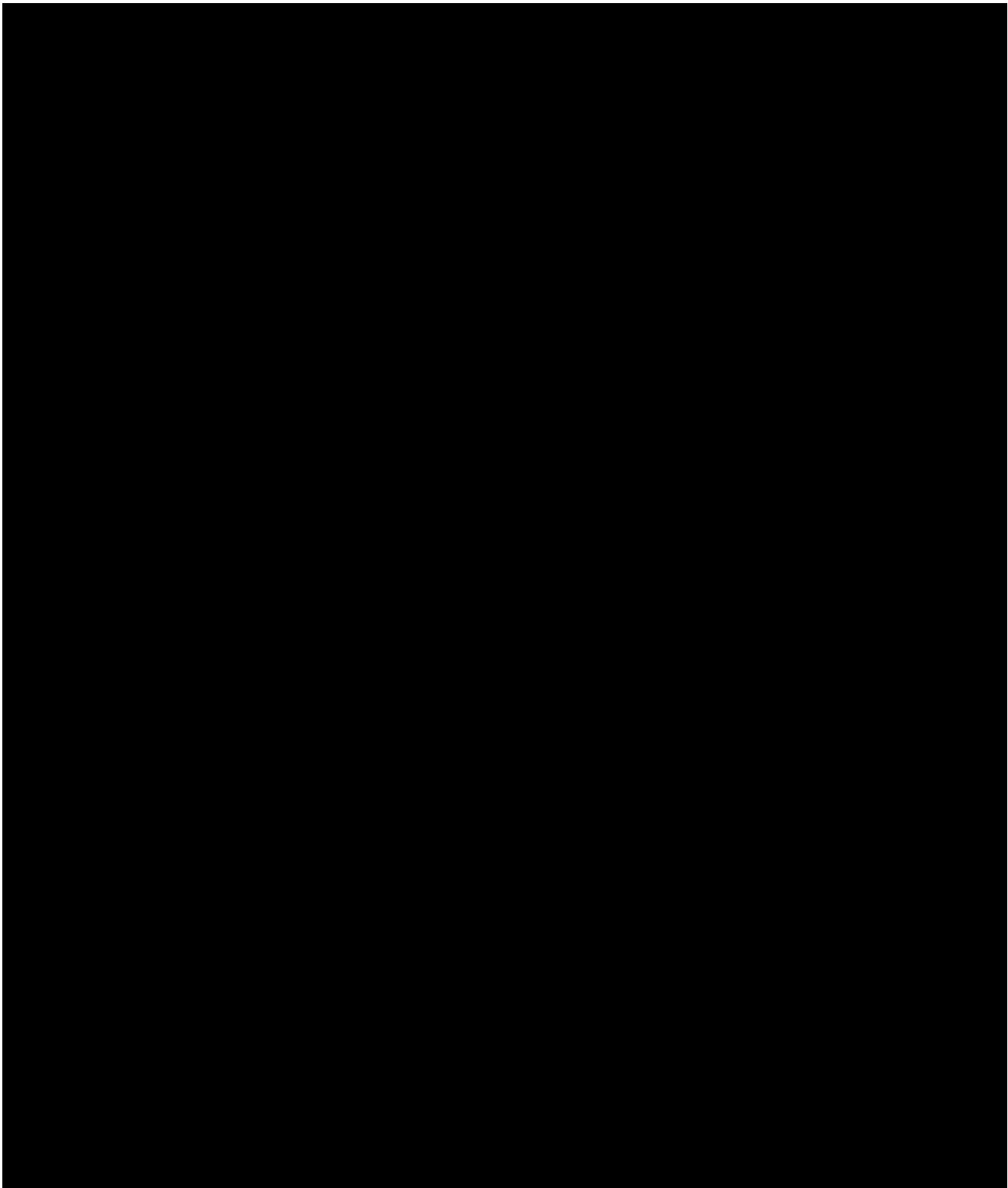


EXHIBIT A-16

From: ebutowsky@gmail.com
To: Rod Wheeler <rod@rodwheeler.com>
Subject: No Subject
Date: May 16, 2017 at 11:53:00 AM EDT

You might print off and sign your name then take a picture of it and send it to wherever it needs to be. I think that would be a very very smart idea.

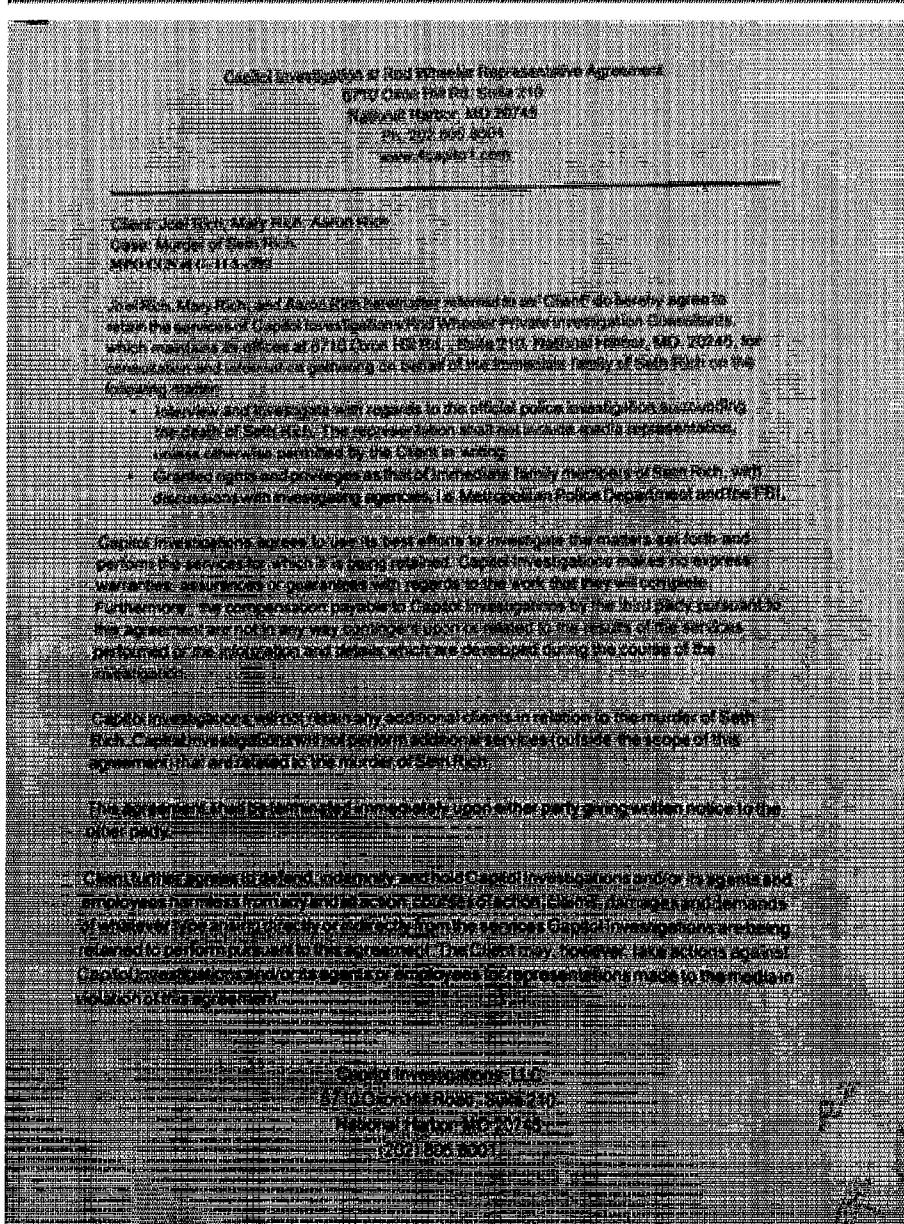


EXHIBIT A-17

